

COMMUNITY DECISION-MAKING PROCESS

KAHNAWÀ:KE MEMBERSHIP LAW

11th COMMUNITY CONSULTATION

Karonhianonha School Gym

19, Ohiarí:ha/June 2013

6:00 PM – 8:30 PM

RECORD OF DISCUSSION**FACILITATORS:**

Kahente Horn-Miller (Lead - CDMP)
Joe Delaronde (Facilitator)
Kahienes Sky (Facilitator)

RESOURCE PEOPLE:

Rose-Ann Morris (Lead – Resource Person)
Arlene Beauvais
Jennifer McComber

RECORDERS:

Sophia Dupont (Recorder)
Tracey Goodleaf (Recorder)

6:00 P.M. **OPENING** – Leslie Beauvais

6:05 P.M. **INTRODUCTION/MEETING GUIDELINES** – Kahente Horn-Miller

6:10 P.M. **KAHNAWÀ:KE MEMBERSHIP LAW** – Rose-Ann Morris

6:15 P.M. **QUESTION 2:**

Who decides who will be a Member?
Registrar: decides automatic members
Council of Elders: decides all applications
Or is another body needed?

8:15 P.M. **NEXT STEPS** – Kahente Horn-Miller & Rose-Ann Morris

8:30 P.M. **CLOSING** – Leslie Beauvais

Note: Due to a low number of participants, it was agreed to have two groups' deliberate. Participants from Group 1 joined Group 2.

Question: 2

Who decides who will be a Member?
Registrar: decides automatic members
Council of Elders: decides all applications
Or, is another body needed

Group 2

Facilitator:	Joe Delaronde
Resource Persons:	Jennifer McComber & Arlene Beauvais
Group Speaker:	Jeremiah Johnson
Recorder:	Tracey Goodleaf

Group Discussion:

- Registrar to administer “automatic” applicants. A 60-day posting in newspapers as well as community bulletin boards, web, etc.
- The name of the group could be in Kanien’kèha. Retire the Council of Elders name.
- Three (3) to five (5) year term on staggered basis.
- Still need a review or appeal body to address issues.
- Do we include the youth, or people of a certain age (i.e.: over 50, etc.)?
- Two participants felt that if you could vote at 21 years of age then you should be able to participate on membership committee. However, the rest of the group suggested there be an age requirement/range.
- Suggestion for an apprenticeship program (mentorship); they could observe.
- Suggested that appointments from these groups as well as elections on these appointments would be a good combination. No consensus has been reached. Two (2) people suggested the former idea and four (4) people wanted an election only.
- Elections give separation from MCK.
- Need for appeal/complaints

Parking Lot Items:

None

Outcome:

Jeremiah presented points to Group 3

Question: 2

Who decides who will be a Member?
Registrar: decides automatic members
Council of Elders: decides all applications
Or, is another body needed

Group 3

Facilitator: Kahienes Sky
Resource Person: Rose-Ann Morris
Group Speaker: Ron Skye
Recorder: Sophia Dupont

Group Discussion:

- Approximately 60 applications for membership are on hold at this time. There is a mix of male and female applicants.
- Given the length of time the Law will take to be implemented, the number of applicants on hold will increase.
- Former Council of Elders (COE) was appointed for life and there was no way to remove them.
- Registrar has a certain authority. From a legal perspective, it does not say “must”, it says “may”.
- Existing law 10.1 and 10.2 is the registrar but section 10.3 and all of section 11 must go to the COE.
- If the Registrar decides who becomes a member then it is brought to the COE for a dialogue. A recommendation to have a council of 5 members to decide whether the Registrar made a good decision. The list of new members coming in goes to the community and the community has a chance to have its say. There should be a 3-prong process: Registrar, COE and community input. There should be an appeal body (independent of MCK) if the applicant does not agree. The participants on the COE should have structure and character to decide.
- If applicants have to come to a band meeting, it might interest more people to attend. A lot of times the Registrar doesn't have all the information (married, divorced). Akwesasne has its own communal law for membership.
- Has Membership ever received information on how other communities process applicants for membership?
- Yes, we do have a copy of Akwesasne's law.
- If it was to go through the community at a band meeting, I am against it because people won't want to go through this process. There are no-brainer cases; there are people on hold that could automatically go on the membership list right now. Why should they have to wait? Point 10.3, as the law stands now, has to go through the COE. The COE should

be abolished. I was on it and did not see a point for it except to humiliate people. It was ridiculous. The Registrar should be responsible to put people on the list.

- I believe it should not be just one person - the Registrar.
- I can see where there is an instance where the Registrar is not sure to have the review council. But for the automatic applicants, there is no problem. For those applicants having 4 great-grandparents, it should be automatic.
- The process that was used to appoint people to the COE was not right. Anyone who wanted to be on the COE was appointed.
- It would be the responsibility of a body that has been established to decide membership and not the participants at these current membership meetings deciding who gets in and who doesn't.
- If I were applying, I would challenge this law because of how it is structured at present.
- Legal opinions have been obtained.
- We are mixing process with criteria. Identify the process to participate on the COE to ensure transparency and accountability. Then if an applicant is refused, the decision can be heard in a Court of Appeal.
- I would agree to a more subtle process but not for an individual to have to go before the community. The people working for membership know the people and their families.
- There was a process in the past, if the baby's father was not declared; they used to research the lineage.
- DNA is available these days.
- Anyone can sign as the father of any child; the only sure thing is DNA.
- Sometimes people come in with good intentions but with their own biases.
- Because of the secrecy oath on boards, the MCK will still be in charge.
- If you are accountable to the people, you can put Council aside and the job can get done.
- There should be a certain amount of trust put in the Registrar.
- The MCK would not be doing the appointments.
- In outside communities, the chief of police and other positions are by election.
- If they started as members and moved away, they are still members.
- If the husband is native married to a non-native and lived away but then wants to come back to live in Kahnawà:ke, would the wife get a card?
- That is Indian Act mentality and that is what we are trying to get away from.
- I agree with all above except for the appeal being handled by the Courts. It should be decided by the community.
- If the criterion is developed, the registrar must follow it. It is put in The Eastern Door for a certain number of days.
- The criteria should be set up so that those deciding cannot pick and choose who they want in.
- I am not comfortable with the Court of Kahnawà:ke having the final say.
- Why not, if all the criteria was met? The court would have to base its decision on facts. Someone has to decide. Remove the subjectivity and follow the process. The appeal can be made by the applicant, the Registrar and/or review council.
- What about the people living here now that are breaking our laws, living with non-natives?
- Further in the Membership law, there are user fees for non-members to live here.

- There are far too many people here that do not belong here. Something has to be done.
- The law, as it is now, does not have the teeth and it was tried a few years ago, to have non-natives leave the territory.
- If the Peacekeepers go to remove the non-native and gets shot, was this law legal? There is the political will and the process.
- The law is changing and is dynamic.
- Some people will be coming back in but what about the people that are breaking the law? I have ideas, people in my neighbourhood that have built homes and have water & sewer. Is there any way to make a recommendation that the people cannot continue to break our law?

Yes it is possible to make recommendations but it also has to be enforceable. It has to start somewhere. It will have to go back and forth between the groups.

Consensus of Group 3:

- 1: Registrar with established criteria and names announced at a public meeting or posted in local media (The Eastern Door and others).
Agreement: Yes
- 2: Small group of independent, elected or appointed elders or a membership review council.
Agreement: Yes
- 3: Appeal body (independent of MCK) or a Kahnawà:ke Court of Appeal
Agreement: Yes

Consensus from Group 2 & Group 3:

- Group 2: Registrar to administer “automatic” applicants.
Group 3: Agreed based on pre-established criteria to be applied. Registrar with established criteria and names announced at a public meeting or posted in local media (The Eastern Door and others).
- Group 2: A 60-day posting in newspapers as well as community bulletin boards, web, etc.
Group 3: Agreed
- Group 2: The name of the group could be in Kanien’kèha. Retire the Council of Elders name.
Group 3: Agreed to name change. Recommend keeping a small group of independent, elected or appointed elders or a membership review council.

- Group 2: Three (3) to five (5) year term on staggered basis
Group 3: Disagreed, too premature to discuss terms, something has to be identified to ensure consistency in interpreting the law.
- Group 2: Still need a review or appeal body to address issues
Group 3: Agreed, an appeal body (independent of MCK) then a Kahnawà:ke Court of Appeal.
- Group 2: Do we include the youth, or people of a certain age (i.e.: over 50, etc.)?
Group 3: Further discussion needed.
- Group 2: Two participants felt that if you could vote at 21 years of age then you should be able to participate on membership committee. However, the rest of the group suggested there be an age requirement/range.
Group 3: Further discussion needed.
- Group 2: Suggestion for an apprenticeship program (mentorship). They could observe.
Group 3: Further discussion needed.
- Group 2: Suggested that appointments from these groups as well as elections on these appointments would be a good combination. No consensus has been reached. Two (2) people suggested the former idea. Four (4) in favor of election only.
Group 3: Criteria and job description needed. Training required (such as ethics). There has to be accountability back to the community.